The question that the Title stand part of the Bill was put and carried.

The Title was added to the Bill.

MR. PUTHUPALLY S. KRISHNA PILLAI: Before I move for the third reading of the Bill, I beg to move a small amendment to the following effect:

In clause 1 sub clause 1 for the figures "III" substitute the figures "1117".

MR. K. KUNJAN PILLAI: I second it.

The amendment was put and carried.

MR. PUTHUPALLY S. KRISHNA PILLAI: I move that the Travancore Civil Procedure Code (Amendment) Bill be passed.

MR. K. KUNJAN PILLAI: I second it.

The motion was put and carried.

The Bill was passed.

## THE TRAVANCORE MERCHANDISE MARKS BILL.

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, I rise to present the report of the Select Committee, appointed to consider the Travancore Merchandise Marks Bill and beg to move the the Bill as reported be taken up for consideration.

There are no amendments to the Bill.

The question that clauses 1 to 25 stand part of the Bill was put and carried.

The clauses were added to the Bill.

The question that the Preamble and Title form part of the Bill was put and carried.

They were added to the Bill.

MR. PUTHUPALLY S. KRISHNA PILLAI: Before I move for the Third Reading of the Bill, I may be permitted to move certain formal amendments.

In clause (1) sub clause (i) and in clause 22 (*a*) (i), (*g*), (*h*) (ii) and (i) (ii), for the figures III, figures 1117 may be substituted.

MR. K. KUNJAN PILLAI: I second it.

The motion was put and carried.

MR. PUTHUPALLY S. KRISHNA PILLAI: I move that the Travancore Merchandise Marks Bill be passed.

MR. K. KUNJAN PILLAI: I second it.

The motion was put and carried.

The Bill was passed.

## THE TRAVANCORE OFFICIAL TRUSTEES BILL.

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, I rise to introduce the Official Trustees Bill and beg to move that the Bill be read in the Assembly. In the Bill published in the Government Gazette and from the copy supplied to the honourable members, it could be seen that the object of the Bill is to provide a law which would enable Government to appoint official trustees who, subject to certain restrictions that are specified in the Act and which may be further implemented by rules made under the Act, could undertake the management of trusts of all kinds. The honourable members will know that there is at present no law regulating private or public trusts. There is no doubt there is the Hindu Religious Endowment Amendment Bill. But it is calculated

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[Mr. Puthupalli S. Krishna Pillai.]

to deal with one aspect of management of trusts. But there is no public officer in whom Government could reckon and for whose acts Government would be liable. The trustees we have at present are managing trusts in a manner which is not quite satisfactory either to the public interests or to the institutions connected with such affairs. The official trustees appointed under the Act will not be in a position to undertake the duties of all trusts. But he will be available always whenever a public trust has to be managed and certain public duties have to be discharged. There is power for Government to assess the misdeeds of a particular officer engaged in such trusts. There is that most important provision in the Bill, regulating the work of the official trustee and about whose conduct, the Government will be responsible, of course under certain conditions. That is the most important rule contained in the Bill.

As regards the other rules, they purport to confer certain powers on the Government. With regard to the appointment of officers, the regulation of the conduct of business and the annual audit of accounts maintained by the public trusts, there are certain provisions and they are very important. The Bill itself is based on similar enactments in force in British India and the honourable members may know that this Bill and the other Bill which comes immediately after this are intended to fill up certain gaps and to supplement certain provisions in the existing statutory law relating to Trust properties. For these reasons I move that the Bill be read in the Assembly.

**MR. K. KUNJAN PILLAI:** I second it.

The Secretary to the Sri Mulam Assembly then read the Title of the Bill.

"The Travancore Official Trustees Bill."

**SADASYATILAKA T. K. VELU PILLAI:** Sir, I wish to make one or two observations with regard to one of the provisions of the bill. I take objection to Section 2 of the bill. It says "Our Government shall appoint an Official Trustee" and "No person shall be appointed to the office of Official Trustee who is not (*a*) an Advocate enrolled by Our High Court; (*b*) a person already in the service of Our 'Government." A qualification is prescribed under Sub Section (*a*) *viz.*, an Advocate enrolled by Our High Court. But there is no qualification prescribed for a person already in the service of Our Government. I am sure Government will not put a square man in a round hole. But when a certain qualification is prescribed under Sub Clause (*a*), I think it is equally necessary that a similar qualification be prescribed with regard to the class of persons belonging to Sub-Clause (*b*)—a person in the service of Our Government. We should say that person also should possess such and such qualifications. Not that I distrust the Government when they use the power to make the appointment. I am only making a suggestion for the consideration of the Legal Remembrancer. Once you prescribe qualification for a certain set of people, why not specify the qualification for the Government servants also?

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Another point that occurs to my mind is about the significance of the words 'a person *already* in the service of Our Government". That will lead to several complications. It may be argued 20 years hence that only those persons who are in Government service now should be eligible for such appointments. I apprehend that the parallel of similar provisions in the laws in force in other jurisdictions will be turned against me. I appeal to the good sense of the mover of the motion and impress upon Government the necessity for making specific provision in regard to the qualifications of those in the service of Government also in an unambiguous manner.

The question that the Travancore Official Trustee Bill be read in Assembly was put and carried.

TITLE OF THE BILL.

**SECRETARY:** The title of the bill shall be "The Travancore Official Trustee Bill".

**MR. PUTHUPALLY S. KRISHNA PILLAI:** Sir, I beg to move that the Travancore Official Trustee Bill be referred to a Select Committee consisting of the following members:—

1. Mr. S. Chattanatha Karayalar
2. ,, Joseph Vithayathil
3. ,, K. C. Karunakaran
4. ,, T. C. Kesava Pillai
5. ,, K. Kunju Paniker
6. ,, P. S. Muhamed
7. ,, N. V. Joseph
8. ,, K. R. Narayanan
9. ,, N. Ramakrishna Pillai
10. ,, M. Sivathanu Pillai
11. ,, J. W. Tolson
12. ,, Puliyoor T. P. Velayudhan Pillai
13. ,, G. Velu Pillai
14. ,, P. Vivekanandom, and
15. Srimathi K. Devaki Antharjanam.

The motion was put and carried.

## THE TRAVANCORE ADMINISTRATOR-GENERAL'S BILL.

**MR. PUTHUPALLY S. KRISHNA PILLAI:** Sir, I rise to introduce the Travancore Administrator-General's Bill and beg to move that the bill be read in Assembly. As I have already stated, this bill is intended to supplement the bill that has already been referred to a Select Committee. Honourable members will notice that at present there is no law empowering Our Courts to grant letters of administration to a public officer. There are cases in which intestate estates cannot be

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